IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1191 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAGDISH @ JAGMALBHAI WAGJIBHAIJHUNJUVADIA

Versus

SAURASHTRA KALAKENDRA COOPERATIVE HOUSING SOC. LTD.

Appearance:

MR ASHISH M DAGLI for Petitioner

MR SK VORA FOR MR PRAVIN GONDALIYA for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 26/06/2001

ORAL JUDGEMENT

Heard Mr. A.M.Dagli learned advocate for the petitioner.

2. Rule. Mr. S.K.Vora learned advocate waives

service of rule on behalf of respondent. By consent of parties, the matter is taken up for final hearing.

3. The petitioner has challenged the order dated 16.10.2000 passed by learned 3rd Extra Assistant Judge, Rajkot in the proceedings of Civil Misc. Application No. 80 of 2000. That vide impugned order, the lower Appellate Court has dismissed the appeal of the petitioner. The petitioner had filed the said appeal to challenge the order dated 5.9.2000 passed by learned 5th Joint Civil Judge (S.D.), Rajkot below Exh.5 in the proceedings of Regular Civil Suit No. 933 of 2000. That vide said order, the Trial court has rejected the application below Exh.5 of the present petitioner.

4. The petitioner claims to be the occupier of a room raised on a well on the property of respondent for the purpose of using electric motor to supply the water to the members of the society. The petitioner is a plumber and according to the respondent, the petitioner was appointed only for maintenance of electric motor and water pump. However, the petitioner has trespassed and occupied the room gradually and filed the said civil suit. As against that, It is the case of the petitioner that respondent has threatened to dispossess the petitioner forcibly.

5. In view of the above stated facts and circumstances, as both the parties have agreed to cooperate for final hearing of Regular Civil Suit No. 933 of 2000 pending in the Court of 5th Joint Civil Judge (S.D.), Rajkot, following orders are passed :-

(i) Final hearing of Regular Civil Suit No. 933 of 2000 pending in the court of 5th Joint Civil Judge (S.D.), Rajkot is hereby expedited and Trial Court is directed to dispose of the suit within a period of four months hereof. Both the parties are directed to cooperate by remaining present before the Trial Court on a stipulated date. The Court shall endeavour to dispose the matter as early as possible and if any of the party commits a default in remaining present, the Court shall proceed with the matter in accordance with law and dispose of the suit within a period of four months from the date of service of this order. However, the order of status-quo as granted vide earlier order dated

23/1/2001 shall continue to be in force.

6. Subject to above stated direction, petition stands disposed of. Rule is discharged. No order as to costs.

(A.K.Trivedi,J.)

(vipul)